

# **REGULAR MEETING NORTH SMITHFIELD TOWN COUNCIL**

**JUNE 18, 2007**

**KENDALL-DEAN SCHOOL**

**7:00 P.M.**

## **GOOD & WELFARE**

**No one spoke.**

## **REGULAR MEETING**

**The meeting was called to order at 7:00 P.M. and began with the prayer and the pledge to the flag. Council members present were Mr. Keeley, Mr. Leclerc, Mr. Lovett, Mr. Zwolenski and Mrs. Thibault. Town Administrator Lowe and Town Solicitor Hadden were also in attendance.**

## **APPROVAL OF MINUTES**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to approve the minutes of May 21, 2007.**

## **PAYMENT OF BILLS**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve payment of the following: General Fund - \$284,662.31; Sewer - \$11,018.59 and Water - \$2,084.69 for a total of \$297,765.59.**

**GILBANE BUILDING CO. REQUISITIONS #10 AND #7/J. REALE  
INVOICE**

**MOTION by Mr. Leclerc, seconded by Mr. Lovett, and voted unanimously on a roll call vote to approve payment of Gilbane Building Co. Requisition #10 in the amount of \$797,244.60, Requisition #7 in the amount of \$3,550.63 and the invoice from Attorney Joseph J. Reale dated April 2, 2007 in the amount of \$1,199.45 for a total of \$801,994.68 based upon the recommendation of the School Building Committee.**

**AWARD OF CONTRACT – ACTUARIAL SERVICES FOR POST-EMPLOYMENT**

**Finance Director Jill Gemma explained that this contract is for the whole town and was budgeted at \$7,500.00. The School Department will be paying the balance of \$1,350.00.**

**MOTION by Mr. Zwolenski, seconded by Mr. Keeley, and voted unanimously on a roll call vote to award the contract to Primoris Benefit Advisors, Inc. in the amount of \$8,850.00.**

**INDUSTRIAL DEVELOPMENT COMMISSION MINUTES**

**MOTION by Mr. Zwolenski, seconded by Mr. Keeley, and voted unanimously on an aye vote to accept and place on file the minutes of May 8, 2007.**

**PERSONNEL BOARD MINUTES**

**MOTION by Mr. Zwolenski, seconded by Mr. Keeley, and voted unanimously on an aye vote to accept and place on file the minutes of**

**May 14, 2007.**

**AUCTION, VICTUALING AND OUTDOOR SOUND SYSTEM PERMITS –  
HOLY GHOST SOCIETY**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to approve these licenses.**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to waive the fees.**

**VICTUALING LICENSE – EARLY RISER BREAKFAST**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to table this matter to the July 16th meeting based upon the fact that the application has not been signed by the fire marshal.**

**2ND READING ORDINANCE AMENDMENT RE: TAX CLASSIFICATION**

**MOTION by Mr. Leclerc and seconded by Mr. Keeley to approve the following ordinance: “IT IS ORDAINED by the Town Council of the Town of North Smithfield: Chapter 6 of the Code of Ordinances entitled “FINANCE AND TAXATION”, SHALL BE AMENDED TO ADD Section 6-6 and Section 6-7, as follows: Sec. 6-6 Tax Classification (a) For the general welfare of the town and for the purpose of an equitable and fair system of taxation within the town, the town hereby adopts a system of tax classification, and all ratable property in the town shall be classified as follows: 1. Class 1: All residential real**

**estate, which consists of not more than five (5) dwelling units and all residential real estate that consists of six (6) dwelling units in which at least one unit is owner occupied. Class 1 includes all**

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**mobile/manufactured homes; Class 2: All commercial and industrial real estate and all residential real estate which consists of six (6) dwelling units in which no units are owner-occupied and all residential real estate which consists of more than six (6) dwelling units; 3. Class 3: All ratable tangible personal property; 4. Class 4: All motor vehicles and trailers subject to the excise tax created by Chapter 34 of Title 44 of the General Laws. (b) Where real property is used or held for more than one purpose and the uses result in different classifications, the assessor shall allocate to each classification the percentage of true and fair cash value to the property devoted to each use. (c) Notwithstanding any provisions of section RIGL 44-5-11.8, the tax rates applicable to wholesale and retail inventory within Class 3 as defined by subsection (a) of this section are governed by section RIGL 44-3-29.1. (d) The tax rates applicable to motor vehicles within Class 4 as defined in subsection (a) of this section are governed by section RIGL 44-34.1-1. Section 6-7. Tax classification, duties of assessor. (a) The assessor, on or before June 1 of each year, shall make a full and fair cash valuation of all the estate, real and personal, and motor vehicles subject to taxation, herein, and determine the assessed valuation of each property class. (b) The assessor shall apply different rates of**

taxation to each property class as set forth in Section 6-6, above, to determine the tax due and payable on the property; provided, however, the rate for each class shall be uniform within each class; and for each year, class 2 property rates shall not be more than one hundred fifty percent (150%) of class 1 property tax rates, and class 3 property rates shall not be more than two hundred twenty-five percent (225%) of the maximum allowable class 2 property rates. This ordinance shall take effect on the date of passage, or the date of final approval of enabling legislation by the general assembly, whichever is later.”

Mr. Lovett commented that revaluation had been undertaken in 2003 and 2006. In both years commercial values did increase but residential values increased significantly more. Services provided by the town to both commercial and residential owners have gone up 28 percent. Rhode Island General Law allows commercial rates to be set 50 percent higher than residential rates. In North Smithfield that would result in a commercial tax rate of \$18.26. Mr. Lovett is not recommending that because it would not be fair to the business community, but he is recommending a rate of \$15.37 that would be 26.3 percent higher than residential. This is an increase of 34 cents per \$1,000 of valuation. Fourteen communities have different tax rates for commercial property vs. residential property. Based on 2006/2007 municipal tax rates, 19 cities/towns currently have a commercial tax rate that would be greater than \$15.37. He feels the plan can be reviewed after the next revaluation.

**Mrs. Thibault read a letter submitted by John Gregory, President and CEO of the Northern Rhode Island Chamber of Commerce, voicing opposition of the members to the two-tiered system.**

**Mr. Leclerc explained that the classification plan was based upon fairness and balance for all citizens. No business, other than those that had expanded or made additions, is paying a higher tax than they did in 2003. Residents have received tax increases and this is not fair. Mr. Leclerc concurred with Mr. Lovett that the process will be reviewed after the next revaluation.**

**Mrs. Thibault stated she is a big proponent of small business; however, she has heard from many residents whose taxes have gone up an exorbitant amount, especially from those with older homes. She feels this is not as great a difference as the law allows and it can be reviewed at the next revaluation.**

**Mr. Zwolenski said this is not an easy decision for him. He understands the margins that small businesses work with. Unlike people who are on fixed incomes, businesses can and will pass the costs along to the consumers. A major portion of the budget goes towards education and Mr. Zwolenski cannot believe there would be one business owner who would not support that.**

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**Dr. Kenneth Peloquin, Chairman of the Industrial Development Commission, stated the members feel the decision to adopt property tax classification is never a strategic decision. It is counterproductive in several ways: 1. The message to voters is that long-term control of the residential tax bills is easy. Hard decisions of investing in the tax base have to be done now. 2. The Council is attempting to manage a tax cost of 85 to 90 percent of the assessed real estate value on 10 to 15 percent of the community's assessed property value. 3. The only realistic means to control residential property tax bills is to diversify and increase the local tax base with quality industrial and office real estate. Adopting tax classification sends the message to the non-residential real estate sector that the town does not want their investment. Dr. Peloquin cautioned the Council to consider the long-term implications.**

**Mr. Gary Ezovski felt the town would be making a big mistake if the classification plan is adopted. Residential tax rates are based on values.**

**Mr. Donald Gagnon suspected that every homeowner would like to pay what they did in 2003. His taxes have gone up every year.**

**Ms. Michelle Deschamps of Leeway stated North Smithfield is one of the only towns that has an inventory tax. Her business does not have**

**town plowing, street sweeping or trash pick-up. Most of the town businesses are often called upon to make donations for various social, school and athletic events.**

**Mr. Lowe noted that 80% of residents do not have children in the school system yet everyone needs to share in the town expenses.**

**Mr. Dean Naylor has reviewed his tax bills dating back to 2003 and has found a 16% increase in his taxes since then. It appears that Slatersville Plaza has seen a decrease of 19% and Stop and Shop has seen a decrease of 17% in the same years. He asked for a little more fairness.**

**The MOTION passed unanimously on a roll call vote.**

## **2ND READING ORDINANCE AMENDMENT RE: EXEMPTIONS FOR DISABLED PERSONS**

**MOTION by Mr. Lovett, seconded by Mr. Zwolenski and Mr. Leclerc, and voted unanimously on a roll call vote to approve the second reading of the following ordinance amendment: “IT IS ORDAINED by the Town Council of the Town of North Smithfield: Chapter 6 of the Code of Ordinances entitled “FINANCE AND TAXATION”, Section 6-3B, entitled: Exemptions for disabled persons is amended only to increase the dollar amount of the exemption to five hundred dollars (\$500.00) and paragraph two of that section shall be amended to read as follows: “For the head of a household determined by the Social**

**Security Administration to be totally disabled, an exemption from taxation on such real property of five hundred dollars (\$500.00)". No other provision of the ordinance shall be changed. This ordinance shall take effect on the date of passage, or the date of final approval of enabling legislation by the general assembly, whichever is later."**

**2ND READING ORDINANCE AMENDMENT RE: EXEMPTIONS FOR PERSONS AGED SIXTY-FIVE AND OVER**

**MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve the second reading of the following ordinance amendment: "IT IS ORDAINED by the Town Council of the Town of North Smithfield: Chapter 6 of the Code of Ordinances entitled "FINANCE AND TAXATION", Section 6-3A, entitled Exemptions from real property tax for persons sixty-five years of age and older is amended only to increase the dollar amount of the exemption to five hundred dollars (\$500.00), and the first paragraph of subsection (a) shall be amended to read as follows: "(a) For property owners from sixty-five (65) years of age or more, an exemption from taxation on such real property of five hundred dollars (\$500.00)." No other provision of the ordinance shall be changed. This ordinance shall take effect on the date of passage, or the date of final approval of enabling legislation by the general assembly, whichever is later."**

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## **DEM APPLICATION FOR ANNETTE AVENUE PROPERTY**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to move this item up on the agenda.**

**Attorney Eric Branski explained that he represents Jeffrey Piette, owner of property on Annette Avenue. The lot is a pre-existing, non-conforming legal lot of record. Mr. Branski was present to request the Council join as a signatory on Mr. Piette's application to DEM for an insignificant alteration permit for the wetlands. For the DEM to process the application, all owners of lots in the area of the wetlands that may be potentially disturbed must enter as a signatory on the application. This area includes the 50-foot wetland buffer that is a part of Annette Avenue, which is owned by the town. If the Council does not agree to do this, Mr. Piette will be denied beneficial use of his property, which amounts to confiscation.**

**Assistant Solicitor Robert Rossi commented that Mr. Branski has talked about a wealth of case law regarding municipalities having to sign on as a co-applicant to a state agency but he has yet to see any of the documentation.**

**Mr. Branski disagreed that this was the issue. If the town does not agree to sign the application and does not allow Mr. Piette to proceed before the DEM, the Public Works Director cannot make a decision on the access to the property because DEM has jurisdiction over the**

wetlands.

**MOTION by Mr. Zwolenski, seconded by Mr. Keeley, and voted 4 to 1 on a roll call vote (Mr. Leclerc voted no) to table this matter until Mr. Branski provides Mr. Rossi with the case law regarding confiscation of property where a municipality is making a decision whether or not to join in a private application to a state agency.**

#### **REBATE OF SEWER CONNECTION FEES – K. BENOIT**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to move this item up on the agenda.**

**Mr. Kevin Benoit is the owner of a single family home at 120 Great Road and a two-family unit at 4-6 Pound Hill Road. At the time he purchased the property in 2003 the two cesspools were failing and he received permission from the Sewer Commission to add a sewer connection to a line located 200 feet down Pound Hill Road at a cost of approximately \$30,000. Pursuant to the town sewer ordinance, Mr. Benoit subsequently received an assessment of \$15,600 for the three units. He has paid \$5,200 towards the assessment for the home on Great Road and \$3,600 towards the home in the rear. He is asking the Council to approve the Sewer Commission's recommendation for a rebate of \$7,800.**

**Mr. Zwolenski agreed to support Mr. Benoit because he has allowed potential further usage of the line.**

**MOTION by Mr. Zwolenski, seconded by Mr. Keeley, and voted unanimously on an aye vote to approve the Sewer Commission's recommendation of a \$7,800 rebate to Kevin Benoit.**

#### **TOWN SERVICES AT SILVER PINES DEVELOPMENT**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to move this item up on the agenda.**

**Mr. Joseph Russo, a resident of the Silver Pines condominium complex, recently attended an association meeting to discuss budget expenditures for town services such as snow removal, landscaping, trash pick-up, etc. Some of the condo owners are paying in excess of \$4,000 in taxes yet are not benefiting from town services. Mr. Russo does not find this to be fair.**

**When questioned by Mrs. Thibault, Mr. Russo confirmed that the owners had been apprised that those services would be provided through the condo fees.**

**Mr. Lowe offered that the roads are substandard within the development and do not have the turn radius necessary for town trucks. He has,**

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**however, applied for a grant from RI Resource Recovery to pick up**

**their recyclables.**

**Both Mr. Lovett and Mr. Keeley had once lived in condos and were required to pay condo association fees as well as town taxes.**

**MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on an aye vote to take a five-minute recess at 9:16 P.M.**

**The meeting resumed at 9:28 P.M.**

## **ADOPTION OF FISCAL YEAR 2007/2008 BUDGET**

### **OPERATING BUDGET**

#### **TOWN COUNCIL**

**MOTION by Mr. Lovett, seconded by Mr. Keeley and Mr. Leclerc, and voted unanimously on an aye vote to approve a budget of \$14,505.00.**

#### **PROBATE COURT EXPENSE**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to approve a budget of \$4,290.00.**

#### **TOWN SOLICITOR**

**MOTION by Mr. Lovett, seconded by Mr. Leclerc, and voted unanimously on an aye vote to approve a budget of \$133,457.00.**

#### **ADMINISTRATION OFFICE**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted 3 to 2 on a**

**roll call vote (Mr. Leclerc and Mr. Zwolenski voted no) to approve a budget of \$168,081.00.**

#### **TOWN CLERK'S OFFICE**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted 4 to 1 on a roll call vote (Mr. Zwolenski voted no) to approve a budget of \$171,260.00.**

#### **PLANNING DIVISION**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted 4 to 1 on a roll call vote (Mr. Zwolenski voted no) to approve a budget of \$139,701.00.**

#### **BOARD OF CANVASSERS**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted 5 to 0 on a roll call vote to approve a budget of \$8,599.00.**

#### **FINANCE DEPARTMENT**

**MOTION by Mr. Lovett, seconded by Mr. Leclerc, and voted unanimously on a roll call vote to approve a budget of \$266,910.00.**

#### **TAX ASSESSOR'S DEPARTMENT**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted 3 to 2 on a roll call vote (Mr. Leclerc and Mr. Zwolenski voted no) to approve a budget of \$104,304.00.**

## **TAX COLLECTOR'S OFFICE**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted 4 to 1 on a roll call vote (Mr. Leclerc voted no) to approve a budget of \$113,726.00.**

## **BOARD OF TAX REVIEW**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve a budget of \$1.00.**

## **AUDITS AND COMPUTER SERVICE**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve a budget of \$103,445.00.**

## **ZONING BOARD EXPENSE**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve a budget of \$9,650.00.**

## **PERSONNEL BOARD**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve a budget of \$1.00.**

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## **CONSERVATION COMMISSION**

**MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on a roll call vote to approve a budget of \$750.00.**

## **HISTORIC DISTRICT COMMISSION**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve a budget of \$1.00.**

## **HOUSING AUTHORITY**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve a budget of \$1.00.**

## **REGIONAL INDUSTRIAL DEVELOPMENT**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to adopt a budget of \$9,200.00.**

## **PUBLIC SAFETY COMMISSION**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve a budget of \$1.00.**

## **BUDGET COMMITTEE**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve a budget of \$1.00.**

## **JUVENILE HEARING BOARD**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve a budget of \$3,550.00.**

## **TOWN HALL**

**MOTION by Mr. Lovett, seconded by Mr. Keeley and Mr. Leclerc, and**

**voted unanimously on a roll call vote to approve a budget of \$6,750.00.**

#### **PLANT OPERATIONS**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve a budget of \$10,500.00.**

#### **PRINTING & ADVERTISING**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to change line item #4193-540 Printing & Advertising to \$14,250.00 and line item #4193-551 Codification/Printing to \$4,000.00 and to approve a total budget amount of \$18,250.00.**

#### **CONTINGENCY FUND**

**MOTION by Mr. Lovett, seconded by Mr. Leclerc, and voted unanimously on a roll call vote to approve a budget of \$60,500.00.**

#### **SCOUTERS' HALL**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve a budget of \$3,496.00.**

#### **NS PUBLIC LIBRARY**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve a budget of \$320,290.00.**

## **POLICE DEPARTMENT**

**MOTION by Mr. Lovett and seconded by Mr. Leclerc to amend line item #4211-138 Personnel to \$1,058,888.00, line item #4211-192 Longevity to \$68,583.00, line item #4211-221 FICA to \$118,498.00, line item #4211-251 Pension to \$217,437.00 and line item #4211-263 Accreditation Expense-CALEA to \$7,500.00 for a total budget of \$2,364,905.00.**

**Mr. Keeley proposed that with the retirement of Captain Smith, a recruit be sent to the police academy next March for placement as a patrol officer on the force in July 2008.**

**Mr. Lowe stated he intends to sit with Chief Reynolds during the year and if funds become available in this budget, he would like to see another patrol officer on the road. Mr. Lowe cannot justify a third detective.**

**Mr. Leclerc has spoken to prior council members who had experience with the police department prior to Chief Reynolds being hired. He  
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**was told it had been a nightmare with officers on the take, improper procedures, unprofessionalism and litigation. Mr. Leclerc agreed with Mr. Keeley about sending a recruit to the academy in March.**

**The MOTION passed unanimously on a roll call vote.**

## **ANIMAL CONTROL**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve a budget of \$69,182.00.**

## **CIVIL DEFENSE**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve a budget of \$5,717.00.**

## **NORTH SMITHFIELD FIRE & RESCUE SERVICES INC.**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve a budget of \$2,255,244.00.**

## **HYDRANT RENTAL**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve a budget of \$45,350.00.**

## **INSPECTION DIVISION**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve a budget of \$156,471.00.**

## **HIGHWAY DEPARTMENT**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve a budget of \$860,238.00.**

## **PARKS AND RECREATION**

**MOTION by Mr. Lovett, seconded by Mr. Leclerc, and voted unanimously on a roll call vote to approve a budget of \$163,011.00.**

#### **TREE WARDEN**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve a budget of \$4,862.00.**

#### **STREET LIGHTS**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve a budget of \$155,000.00.**

#### **RUBBISH DISPOSAL**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve a budget of \$629,500.00.**

#### **SEALER OF WEIGHTS AND MEASURES**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve a budget of \$1.00.**

#### **DEBT SERVICE – PRINCIPAL**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve a budget of \$1,065,053.00.**

#### **DEBT SERVICE – INTEREST**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve a budget of \$569,766.00**

**which does include BAN interest for the middle school.**

#### **MEDICAL AND RETIREMENT EXPENSE**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve a budget of \$201,997.00.**

#### **INSURANCE**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve a budget of \$223,273.00.**

#### **SCHOOL DEPARTMENT**

**MOTION by Mr. Lovett, seconded by Mr. Leclerc, and voted unanimously on a roll call vote to approve a budget of \$19,835,139.00.**

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#### **GRANTS AND CONTRIBUTIONS**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted 4 to 0 on a roll call vote (Mrs. Thibault recused herself as one of the beneficiaries was Thundermist Health) to approve a budget of \$53,726.00.**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve a total fiscal year 2007/2008 budget of \$30,329,655.**

## **CAPITAL BUDGET**

### **HIGHWAY DEPARTMENT**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve \$105,000.00 for a trackless flail mower.**

### **PARKS AND RECREATION**

**MOTION by Mr. Lovett, seconded by Mr. Leclerc, and voted unanimously on a roll call vote to approve \$75,000.00 for Pacheco Park Expansion.**

### **POLICE DEPARTMENT**

**MOTION by Mr. Lovett, seconded by Mr. Leclerc, and voted unanimously on a roll call vote to approve \$64,000.00 for three cruisers. Two ballistic shields in the amount of \$5,200.00, batons/bags in the amount of \$1,045.00 and six vests in the amount of \$5,400.00 were moved to the operating budget.**

### **ANIMAL CONTROL**

**MOTION by Mr. Lovett, seconded by Mr. Zwolenski, and voted unanimously on a roll call vote to approve \$12,000.00 for a truck.**

### **LIBRARY**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve \$5,000.00 for front**

**entrance sidewalk repair.**

## **ADMINISTRATION**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve \$9,300.00 for Reverse 911, \$12,000.00 for radio alarm box upgrades, \$10,000.00 for Phase II Stormwater Implementation and \$10,000.00 for Annex fascia/parapet repair for a total of \$41,300.00. Also \$1,500.00 for land evidence shelving in the Town Clerk's office was moved to the operating budget.**

## **SCHOOL DEPARTMENT**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve \$30,630.00 for an F350 SuperDuty Truck w/plow and \$12,000.00 for a Husquvarna lawn tractor for a total amount of \$42,630.00.**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve capital purchases in the amount of \$344,930.00 with \$244,930.00 to come from financing and \$100,000.00 to come from surplus.**

## **SEWER BUDGET**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve a sewer budget of \$1,589,557.00.**

## **SEWER RATE**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve a sewer usage rate of \$341.86.**

## **REVENUE BUDGET**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to accept a revenue budget of \$30,329,655.00.**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote at 10:30 P.M. to extend the curfew until 11:00 P.M.**

## **METHOD OF TAX COLLECTION**

**MOTION by Mr. Leclerc, seconded by Mr. Lovett and Mr. Keeley, and voted unanimously on a roll call vote to approve the following method of tax collection: "SHALL THIS TOWN COUNCIL VOTE AS FOLLOWS:**

**That the**

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**finance director be and is hereby authorized to pay each order when approved by the town council, by the school committee or the director of public aid, as the case may be. That the finance director be and is hereby authorized to apply receipts for the interest on**

overdue taxes toward the payment of interest on bonds and notes of the town. That the finance director be and is hereby authorized, within the consent of the town council, to hire such sum or sums of money as may be necessary to carry on the business of the town for the ensuing year. That the finance director be and is hereby authorized to pay the town's debts and interest. **IT IS HEREBY RESOLVED:** That the North Smithfield Town Council, in a meeting legally assembled on June 18, 2007, hereby orders a levy apportionment and collection of a tax on the ratable real estate, tangible personal property and an excise tax on registered motor vehicles and trailers in a sum of not less than \$21,350,611 nor more than \$21,370,611. Said taxes are for ordinary expenses and charges, for the payment of interest and indebtedness in whole or in part of said town and for the other expenses or purposes authorized by law. The tax assessor shall assess and apportion said tax on the inhabitants and ratable property of said town as of the thirty-first (31st) day of December A.D. 2006, at twelve (12) o'clock midnight Eastern Standard Time or Daylight Savings Time, as the case may be according to law and delivered to and deposited the same in the office of the town administrator on or before the thirtieth (30th) day of June, 2007. The town administrator, on receipt of said assessment, shall forthwith make a copy of same and deliver it to the finance director, who shall forthwith issue and affix to said copy a warrant under his/her hand directed to the collector of taxes of the town, commanding him/her to proceed and collect said tax of the person and estate liable therefore, said tax shall be due and payable no later

than the thirty-first (31st) day of August, 2007, and all taxes remaining unpaid no later than the thirty-first (31st) day of August, 2007, shall carry until collected a penalty at a rate of twelve (12) percent per annum, unless specifically abated by a vote of the town council under Title 44 of the General Laws of RI, 1956, as amended. Said tax may be paid in four (4) installments, the first installment of twenty-five (25) percent no later than the thirty-first (31st) day of August, A.D., 2007 and the remaining installments as follows: twenty-five (25) percent on the fifteenth (15th) day of November, A.D., 2007 and twenty-five (25) percent on the fifteenth (15th) day of February A.D., 2008 and the remaining twenty-five (25) percent on the thirtieth (30th) day of April, A.D., 2008. Each installment of taxes, if paid on or before the last day of each installment period successively and in order, shall be free from any charge for penalty. If the first installment or any succeeding installment of taxes is not paid by the last date of the respective installment period or periods as they occur, then the whole tax or remaining unpaid balance of the tax, as the case may be, shall immediately become due and payable and carry until collected a penalty at a rate of twelve (12) percent per annum unless specifically abated by a vote of the town council under Title 44 of the General Laws of RI, 1956, as amended. Quarterly payment option shall not apply to any tax levied in an amount not in excess of fifty dollars (\$50.00) in which case such tax shall be payable in a single installment.”

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted**

**unanimously on a roll call vote to extend the first collection date from August 15, 2007 to no later than August 31, 2007 to allow time for preparation of the tax bills.**

## **YEAR-END BUDGET TRANSFERS**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on a roll call vote to approve the following year-end transfers: \$6,449.00 to Labor Lawyer/Arbitration for a total adjusted budget of \$18,949.00; \$1,767.00 to Health Insurance for a total adjusted budget of \$26,800.00; \$1,442.00 to Water & Sewer All Plants for a total adjusted budget of \$10,542.00; \$11,500.00 to Printing & Advertising for a total adjusted budget of \$23,500.00; \$2,614.00 to 3 Year Statistical Revaluation for a total adjusted budget of \$66,614.00; \$7,548.00 to Library State Funding for a total adjusted budget of \$60,768.00; \$5,000.00 to Fire Department (Council approved from Contingency) for a total adjusted budget of \$2,168,304.00; \$7,900.00 to Hydrant Rental for a total adjusted budget of \$43,250.00; \$13,300.00 to Blue Cross – Retirement Expense for a total adjusted**

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**budget of \$127,601; \$1,159.00 to Delta Dental – Retirement Expense for a total adjusted budget of \$9,170.00; and \$37,340.00 to Vacation/Sicktime Payout for a total adjusted budget of \$87,340.00. The transfers come from the following accounts: \$46,019.00 – Contingency; \$45,000.00 – Unemployment Insurance; and \$5,000.00 – 10 Year Statistical Revaluation for a total of \$96,019.00.**

## **COMMUNICATIONS**

**MOTION by Mr. Leclerc, seconded by Mr. Keeley, and voted unanimously on an aye vote to accept and place on file the following: A.) Animal Control Monthly Report for May 2007; B.) NSF&RS Monthly Report for May 2007; C.) RIDEM Wetland Permits for the intersection of Greenville Road and Providence Pike and for Tifft Road/Black Plain Road; D.) Resolution requesting the completion of the 911 GPS Survey Tracking System from the town of Portsmouth; and E.) Resolution urging the General Assembly to allow the City of Cranston to increase probate fees from the City of Cranston.**

## **EXECUTIVE SESSION**

**MOTION by Mr. Lovett, seconded by Mr. Leclerc, and voted unanimously on an aye vote to enter executive session at 10:45 P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation to discuss the appeal of a Zoning Board decision re: Rita Turcotte, Narragansett Improvement vs. the town of North Smithfield and Industrial Park Water Company lawsuit and also pursuant to RIGL 42-46-5(A)(5) Any discussions or considerations related to the acquisition or lease of real property for public purposes, or of the disposition of publicly held property wherein advanced public information would be detrimental to the interest of the public.**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted to come**

out of executive session at 11:11 P.M. and to seal the minutes. One vote was taken to continue negotiations on an undisclosed piece of property. The motion was passed unanimously on an aye vote.

#### **ZONING BOARD APPEAL – R. TURCOTTE**

**MOTION** by Mr. Lovett, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to authorize special litigation expense of \$150.00 per hour plus expenses for Assistant Solicitor Rossi for a Superior Court case that is an appeal of a Zoning Board dimensional variance decision.

#### **INDUSTRIAL PARK WATER COMPANY LAWSUIT**

**MOTION** by Mr. Lovett, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to authorize Town Solicitor Hadden to accept \$9,736.00 paid to the town by the insurance company in the settlement of the Industrial Park Water Company lawsuit.

**MOTION** by Mr. Zwolenski, seconded by Mr. Keeley, and voted unanimously on an aye vote to adjourn at 11:15 P.M.

**Respectfully submitted,**

**Debra A. Todd, Town Clerk**